

*in The United States District Court For The  
Middle District of Alabama  
Northern Division*

2008 FEB 20 A 10: 54

OSCAR P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

*James R. West, Jr.,  
Plaintiff;*

*v.*

*2:08-CV-82-MEF*

*Captain Sengow, et al.,  
Defendants.*

*Motion For Leave To Add Defendant*

*Come now the Plaintiff and moves the Court for leave  
to add defendant, C.O.I., Baldwin as a defendant in the  
above-styled cause.*

*Wherefore, premises considered, West prays the Court add  
named defendant as a party to the above-styled cause.*

*Respectfully submitted the 19<sup>th</sup> day of February, 2008.*

*James R. West, Jr., Pro Se*

Ground One (Continued)Defendant #7: C.O.I. Baldwin

Defendant Baldwin violated my federally protected rights under the 8<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution by subjecting me to, or causing me to be subjected to, cruel and unusual punishment by using unnecessary and unreasonable excessive use of force maliciously and sadistically causing me to suffer written infliction of pain by beating me with his hands and fists after I had been incapacitated.

At all times referenced herein, Baldwin was acting under color of state law. Baldwin is being sued in his official and individual capacity while performing discretionary functions as a Correctional Officer serving in Rank of Correctional Officer I.

On 11/8/68, Officer Baldwin entered Segregation Cell B-237 along with Few, Campbell, Logan, Wright and Peavey. Officer Baldwin assisted the aforementioned officers in throwing me face down on the bunk inside the cell after I had been shocked and incapacitated by the riot shield and for stun belt. All officers, to the best of my knowledge, recollection and belief, assisted Baldwin and all named officers acted collectively to inflict punishment upon me by striking me in and on the left and right side of my head, left side rib cage and kidneys.

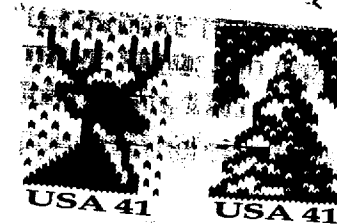
Baldwin acted individually and collectively with the above named officers in using unnecessary and unreasonable excessive force to inflict pain and injury without provocation.

Because of Baldwin's use of excessive force, I was hospitalized for 5 days. I suffer pain and injury and mental anguish because of Baldwin's use of excessive force.

As of this date, 2/19/68, my kidneys are sore and I have problems urinating. My left side rib cage is extremely sore to the touch and you can hear the ribs make a popping sound. I suffer from temporary blackouts where I fall down without awareness. Officer Baldwin also failed to take reasonable steps to protect me from the other officers' excessive use of force after I had been incapacitated.

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